

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2639

AN ACT

AMENDING SECTION 27-152.01, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2117; AMENDING SECTION 37-173, ARIZONA REVISED STATUTES; RELATING TO EARTH FISSURE MAPS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 27-152.01, Arizona Revised Statutes, is amended to
3 read:

27-152.01. Duties of Arizona geological survey

The Arizona geological survey shall:

1. Map and describe the bedrock and related geologic materials and processes in Arizona, as follows:

(a) Prepare geologic maps that show the distribution of rock formations and surficial materials at the surface and in the subsurface.

(b) Describe the character of rock and surficial materials, including their age, origin and physical and chemical properties.

(c) Map, describe and monitor known and potential geologic hazards and limitations to land and resource management.

(d) Map and characterize energy and mineral resources and identify areas that may have potential for future discoveries.

2. Provide objective, scientific information about the geologic character of this state as follows:

(a) Provide timely, courteous **response** **RESPONSES** to requests for information, advice and assistance from the public.

(b) Maintain a computerized bibliographic database of maps and reports on the geology of this state that is accessible to the public.

(c) Maintain an internet web site that includes information about the Arizona geological survey, products and services available and the geologic character of this state.

(d) Give lectures and talks, conduct workshops, lead field trips and provide information and assistance to public, educational and professional groups.

(e) Publish reports and other information, written in nontechnical terms, to inform those not trained in geology about the geologic character of Arizona.

3. BEGINNING ON OR BEFORE JANUARY 1, 2007 AND EVERY FIVE YEARS THEREAFTER, SUBMIT TO THE STATE LAND DEPARTMENT COPIES OF ALL DATA FILES OF KNOWN AREAS OF EARTH FISSURES FOR THE PURPOSES OF SECTION 37-173, PARAGRAPH 11. ON RECEIPT OF THE EARTH FISSURE MAPS FROM THE STATE LAND DEPARTMENT THAT ARE BASED ON DATA FILES SUBMITTED, THE ARIZONA GEOLOGICAL SURVEY SHALL PROVIDE ANY MAP TO ANY MEMBER OF THE PUBLIC IN PRINTED OR ELECTRONIC FORMAT ON REQUEST. THE FOLLOWING NOTICE SHALL BE DISPLAYED BELOW EACH MAP:

NOTICE

THE STATE OF ARIZONA HAS MADE A REASONABLE EFFORT TO ENSURE THE ACCURACY OF THIS MAP WHEN IT WAS PRODUCED, BUT ERRORS MAY BE PRESENT AND THE STATE OF ARIZONA DOES NOT GUARANTEE ITS ACCURACY. THE MAP SUPPLEMENTS, AND IS NOT A SUBSTITUTE FOR, A PROFESSIONAL INSPECTION OF PROPERTY FOR DEFECTS AND CONDITIONS.

1 **3.** 4. Operate and maintain a central repository and a computerized
2 database for reports, books, maps and other publications regarding the
3 geology, mineral resources and associated technologies. Such repository and
4 database shall be available for the use of the public and may be located at
5 or connected with the university of Arizona or another state university or
6 agency of this state.

7 **4.** 5. Operate and maintain a central repository for rock cores, well
8 cuttings and related subsurface samples and all associated supplemental data
9 consistent with the laws of this state requiring the deposit of such material
10 and information. Such repository shall be available for the use of the
11 public.

12 5. Receive and expend any monies arising from grants, contracts,
13 contributions, gratuities or reimbursements payable or distributable to this
14 state from the United States, or from state, county, municipal or other
15 governmental sources. The Arizona geological survey shall also receive and
16 expend any monies arising from grants, contracts, contributions, gratuities
17 or reimbursements donated by private persons or corporations. Monies
18 received pursuant to this paragraph shall be deposited in the geological
19 survey fund and handled pursuant to section 27-152.02.

6. 7. Contract and be contracted with.

7. Utilize the services and expertise of the universities of the state at the discretion of the state geologist.

8. 9. Cooperate with local, county, state and federal agencies.

24 9. 10. Provide administrative and staff support for the Arizona oil
25 and gas conservation commission.

26 Sec. 2. Title 32, chapter 20, article 1, Arizona Revised Statutes, is
27 amended by adding section 32-2117, to read:

32-2117. Earth fissure maps; posting; immunity

29 A. ON RECEIPT OF MAPS FROM THE STATE LAND DEPARTMENT, THE DEPARTMENT
30 OF REAL ESTATE SHALL PROVIDE ANY EARTH FISSURE MAP TO ANY MEMBER OF THE
31 PUBLIC IN PRINTED OR ELECTRONIC FORMAT ON REQUEST AND PROVIDE ACCESS ON ITS
32 WEB SITE TO THE EARTH FISSURE MAPS PREPARED BY THE STATE LAND DEPARTMENT
33 PURSUANT TO SECTION 37-173, PARAGRAPH 11. THE FOLLOWING NOTICE SHALL BE
34 DISPLAYED BELOW EACH MAP:

NOTICE

THE STATE OF ARIZONA HAS MADE A REASONABLE EFFORT TO ENSURE THE
ACCURACY OF THIS MAP WHEN IT WAS PRODUCED, BUT ERRORS MAY BE
PRESENT AND THE STATE OF ARIZONA DOES NOT GUARANTEE ITS
ACCURACY. THE MAP SUPPLEMENTS, AND IS NOT A SUBSTITUTE FOR, A
PROFESSIONAL INSPECTION OF PROPERTY FOR DEFECTS AND CONDITIONS.

41 B. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS DENYING A PERSON
42 RIGHTS GUARANTEED BY THE ARIZONA CONSTITUTION, AND NOTWITHSTANDING ANY OTHER
43 LAW, A SUBDIVIDER, OWNER OR LICENSEE IS NOT LIABLE TO ANY PERSON OR
44 GOVERNMENTAL ENTITY FOR ANY ACT OR FAILURE TO ACT IN CONNECTION WITH:

1 1. THE DISCLOSURE OF REAL ESTATE SUBJECT TO EARTH FISSURES IF THE
2 SUBDIVIDER, OWNER OR LICENSEE PROVIDES A WRITTEN DISCLOSURE OR INCLUDES
3 NOTICE IN A PUBLIC REPORT, ISSUED PURSUANT TO SECTION 32-2183 OR 32-2195.03,
4 WITH RESPECT TO REAL ESTATE SUBJECT TO EARTH FISSURES, OF THE MAP AND WEB
5 SITE DESCRIBED IN SUBSECTION A OF THIS SECTION.

6 2. ANY DISCLOSURE THAT OCCURRED BEFORE THE DATE THE MAP DESCRIBED IN
7 SUBSECTION A OF THIS SECTION IS POSTED ON THE WEB SITE IF THE SUBDIVIDER,
8 OWNER OR LICENSEE HAD NO ACTUAL KNOWLEDGE THAT THE LAND WAS SUBJECT TO EARTH
9 FISSURES BEFORE THE MAP WAS POSTED.

10 C. THE FILING CREATED UNDER THIS SECTION DOES NOT CREATE AN
11 INDEPENDENT CAUSE OF ACTION.

12 Sec. 3. Section 37-173, Arizona Revised Statutes, is amended to read:

13 37-173. Duties

14 The division shall:

15 1. Establish a clearinghouse of information and a central repository
16 for map and imagery products and digital cartographic data.

17 2. Provide a geographic information system for the state land
18 department and other public agencies in this state. The system shall be
19 capable of input, processing, display, compositing, analysis, synthesis and
20 manipulation of data from maps, aerial photos, orthophotos, remote sensing
21 devices and other spatial data sources. The division shall provide training
22 and consultation in the use of the system, related technical assistance and
23 limited production services to system users.

24 3. Provide current land resource information and monitor changes over
25 time by remote sensing techniques.

26 4. Prepare standards and specifications for developing and producing
27 cartographic and aerial photographic products and geographic information
28 systems.

29 5. Produce maps and inventories at standard scales for various areas
30 to include combinations of data elements.

31 6. Provide maps, aerial photographs and other remote sensing data to
32 help analyze the following natural resources:

33 (a) Producing mines, improvements to such mines and mills and smelters
34 operated in conjunction with such mines.

35 (b) Producing oil, gas and geothermal resources.

36 (c) Rights-of-way on state trust lands.

37 (d) Urban trust lands.

38 (e) Forestry management lands and standing timber.

39 (f) Rangeland resources.

40 (g) Cropland resources.

41 (h) Water ditches constructed for mining, manufacturing or irrigation
42 purposes on state trust lands.

43 (i) Other data relating to land and water resources in this state such
44 as subsidence locations, irrigation districts and groundwater active
45 management areas.

1 7. Function as the Arizona affiliate office for the national
2 cartographic information center, with support from the United States
3 geological survey and the Arizona state library, archives and public records,
4 to access archived maps and imagery data sources to assist the mapping,
5 inventorying and data handling segments of the division and outside users.

6 8. Establish a liaison relationship with the Arizona geological
7 survey, the United States geological survey, regional federal mapping
8 organizations and other state and local government organizations in order to
9 coordinate activities in this state relating to collecting, compiling,
10 producing and processing cartographic materials, satellite imagery and land
11 resource information.

12 9. Identify local digital cartographic data to include in the national
13 digital cartographic data base.

14 10. Coordinate the development of a public land survey system monument
15 data base.

16 11. WITHIN NINETY DAYS AFTER RECEIVING DATA FILES OF KNOWN AREAS OF
17 EARTH FISSURES FROM THE ARIZONA GEOLOGICAL SURVEY PURSUANT TO SECTION
18 27-152.01, PARAGRAPH 3, PRODUCE MAPS OF THOSE AREAS WITH OVERLAYS SHOWING
19 AFFECTED COUNTIES, CITIES, TOWNS, HIGHWAYS AND STREETS. THE DIVISION SHALL
20 TRANSMIT THE MAPS IN PRINTED AND ELECTRONIC FORMAT TO THE ARIZONA GEOLOGICAL
21 SURVEY AND THE STATE REAL ESTATE DEPARTMENT FOR PURPOSES OF PROVIDING PUBLIC
22 ACCESS TO THE EARTH FISSURE MAPS PURSUANT TO SECTIONS 27-152.01 AND 32-2117.